

morrow the subcommittee plans to hear representatives of the United Shoe Machinery Company, with which Mr. Brandeis was once associated as counsel.

#### ESHELMAN AND TEALE APPEAR FOR BRANDIS

Lieutenant-Governor John M. Esheleman, of California, and Joseph N. Teale, of Portland, Ore., appeared before the subcommittee after Mr. Thorne had finished, and both spoke highly of Mr. Brandeis's record as an attorney. Mr. Teale declared to-night that had Mr. Brandeis done otherwise than he did, he would have failed in his duty to the public, whose interests he was chosen to protect.

Mr. Teale said he had known Mr. Brandeis professionally many years. "So far as I am concerned," said Mr. Teale, "I thought Mr. Brandeis's case was wrong, and I still think so. But I was amazed when I heard that Mr. Thorne had taken the position that Mr. Brandeis had been a supplanter of the public interest. The meaning of the charge—because I do not believe that Mr. Brandeis is capable of betraying anybody on earth, much less the public interest. He was employed to look after the interests of all parties to this hearing before the Interstate Commerce Commission, whether railroad or not. A proceeding similar to a trial before a jury at all. He was there to see that the facts were fairly submitted to the commission, and the commission was as fair a one as could have been made. Had he done otherwise, he would not have been fair to all parties to the controversy."

#### GIVES HIS CONDUCT MOST CORDIAL APPROVAL

Mr. Teale said he never came in contact with Mr. Brandeis except in a professional way, and he commended his conduct in the rate case, he was prepared to give his conduct approval, that body his cordial approval. He commended efforts to impugn the attitude of Mr. Brandeis, but he said it appeared that he had acted improperly or had improper motives.

Lieutenant-Governor Esheleman said he was chairman of the California Railway Commission, and he had been in contact with Mr. Brandeis in the management of railroad cases.

"I never heard anything against him," said Mr. Esheleman, "and the charges brought against Mr. Brandeis here are the first I ever heard that reflected in any way upon his professional conduct. I know Mr. Thorne well, and I admire and respect his ability, but for the life of me I cannot tell why he has talked as he did to-day. I have not been able to find a single man acquainted with the facts in the recent case who does not agree with me."

"I have studied the rate case, the briefs filed by Mr. Brandeis and others, and I must say that I cannot agree with Mr. Thorne that there has been anywhere any evidence of that 'indelicacy' or 'breach of faith' that he talks about."

"It would have been much surprised had Mr. Brandeis taken any other position than he did. It has been too much the custom to believe that railroad commissioners are prone to represent the public to the injury of the railroads. It is their duty to represent both sides and protect both alike."

"Had not Mr. Brandeis before the commission presented them with all the facts he would have been charged with being partial. His position of impartiality is consistently consistent with his subsequent action. I want to make that as strong as I can. I think he acted in the best of faith, in accordance with the facts, and in such a way as I would expect him to act had he represented me."

#### EDUCATION BOARD DRAWING "DEFENSE"

(Continued from First Page.)

Attorney-General Pollard and State Superintendent Harris were called to explain the Johnson books, and the other members voted to adopt them. Those voting against the retention of the Johnson books were as follows:

Dr. James M. Page, of the University of Virginia; Colonel Henry C. Ford, of the Virginia Military Institute; Dr. J. S. Wilson, of the University of Virginia; Superintendent Harris, of the State Board of Education; and Superintendent Frank T. West, of the Louisa County schools. The latter for a time voted for a delay, and hence made the vote a tie. Later, however, he cast his ballot against the Johnson books and made the vote 5 to 5.

The board was called in special session on yesterday afternoon, when Dr. Page appeared, moving at 10 o'clock, after the adjournment of the board, when the subcommittee was appointed to draft the response to the Senate. The board will resume its sittings at 10 o'clock this morning to hear the report of its subcommittee, and if this is adopted it will be handed to the Senate as the report of the board.

#### WILL MINORITY DEFEND THE BOARD'S COURSE?

Just how Governor Stuart is to join in a policy of explanation, representing the entire board when he voted differently at the time the books were adopted, is of considerable interest. Just how Attorney-General Pollard and Superintendent Harris, the other two members of the minority will be able to draft a resolution embodying the ideas and beliefs of the board as a whole when they did not agree with that policy in the first place is also of more than passing interest.

At the meeting it was said that no vote was taken on the question. It was known, however, that the strong minority vote would be heard, and this gave rise to considerable gossip that when the majority report went in to the Senate that the minority would also demand that its voice reach the Senate.

A resolution was offered on the floor of the Senate on extension of the bill. The floor of the Senate was opened to a speaker from both the majority and the minority. The resolution was not voted upon, however, but on motion of Senator Hixon was referred to the committee on public institutions and education.

This would indicate that in case the subcommittee is unable to draft a reply to the Senate that will be accepted by the board, the question will be decided in special session on Saturday morning. It is generally believed that the minority will demand to be heard.

Last night Mr. Pollard was busily engaged in a discussion with the other members of the committee and he declined to comment upon the work the committee was engaged in. His only reply was that the committee would have nothing to give out prior to its report to the State Board of Education.

Governor Stuart, the third member of the board with the minority, likewise declined to comment upon the subject.

## RAILROAD MEN TELL WHY THEY DEMAND 8-HOUR DAY

First Official Statement on Pending Controversy Issued at Cleveland.

BY HEADS OF BROTHERHOODS

Question of Strike at This Time Is No Part of Discussion—Not Opposed to Arbitration, Neither Pledged to Accept It.

CLEVELAND, O., February 9.—The first official statement on the pending controversy between the railroads of the country and their train crews over working hours was issued here to-night, signed by W. S. Stone, grand chief engineer of the Brotherhood of Locomotive Engineers; W. S. Carter, president of the Brotherhood of Locomotive Firemen and Engineers; L. E. Sheppard, acting president of the Order of Railroad Trainmen. These organizations claim to represent approximately 46,000 employees on 525 lines of railroad.

The statement was headed, "Why the Eight-Hour Day?" and was a reply to a statement issued on February 1 by the National Association of Railroad Employers, which said that the railroads' statement was "a statement of the Association of Western Railroads, the brotherhood's statement said, in part:

"The eight-hour day movement is based wholly upon the justice of a work day of reasonable hours that will permit the men further to separate the deadline between work and wages. The railroads say in effect that the men who have put in a few years of railroad service, having worked themselves out, and will not be accomplished if they lose their positions. If men are worked out in a few years under present service conditions, the demand to extend their wage-earning years is fully justified."

SHOULD PAY EXTRA MONEY FOR EXTRA SERVICE

"Overtime in road service is due almost wholly to the practice of railroads of exceeding trains, so that they cannot make their mileage within their time limits. The railroads are doing this for profit; they do not deny it, and if they propose to demand extra service at the sacrifice and health and future earning ability of the men, they should pay extra for it."

Rates of pay in the Eastern territory are about 10 percent higher than in the Western territory, and the statement added that wages are a little higher in the Southern and Western territories.

Continuing, the statement said:

"That there is not so much justification for the contention of the railroads that the eight-hour day is impossible is proven by the fact that at present there are seven roads in the South, Eastern and one in the Western territory that pay overtime on an eleven miles-per-hour basis. Six roads in the Southern and two in the Western territory pay overtime on a twelve miles-per-hour basis. Eight of the Southern and five railroads in the Western territory pay overtime on a twelve and one-half miles-per-hour basis. There is only one road in the United States of which we have knowledge that works more than the ten-hour work day."

DEMAND NOT BASED ON "PEAK" EARNINGS

The statement denied that the present demand is "based on peak earnings of the railroads, due to the present boom in business." It said further that the fact that roads in the hands of railroads had not cut wages should not be granted to the companies so situated, but to the courts, which have forbidden reductions.

The Brotherhoods said the fact that dividends might be reduced was a matter with which we have nothing to do. They argued that freight rates need not necessarily be increased, but they favored such increases if they increased the revenue. A question whether roads should cut down expenditures for so-called nonproductive improvements is something entirely within the judgment of the companies, according to the statement, which added that a \$20,000,000 passenger station erected on complying with public demand "has no much watered stock."

Questions relating to present ownership and national regulation of railway wages were declared extraneous to the issue. Whether the controversy is to lead to a strike was pronounced a "question that is no part of the discussion." The organizations are "not opposed to arbitration, neither are they pledged to accept it," said the statement, which added:

"The railroad organizations are practically pledged to peace, but they do not mean peace at any price. It is true that in past arbitrations the men were disappointed, and to some extent lost faith in that method of adjustment of differences, but there is neither war nor anarchy for saying that arbitration will or will not be accepted. Circumstances will determine the position of the men when the need arises."

#### MERCHANTS OBJECT TO PROPOSED INCREASE

(Continued from First Page.)

contemplated increase in taxes was an unjust levy, and they will use their utmost efforts to defeat it.

The little dealer will feel the effect of this legislation more than the big fellow," the dealer who spends \$100,000 or more each year in buying stock will really have to pay a greater tax.

The special session of the Legislature last year made a reduction in the taxes paid by the merchants, especially reducing the larger dealers of this bar. "The State Auditor wants to restore this system in order that the merchants of the Commonwealth may make up the deficit. We will oppose such restoration."

To Give Pinner's Play.

The Magistrate's one of Arthur Pinner's masterpieces will be staged by the Richmond College Dramatic Club within a short time. Dr. Hardy and Dr. Montgomery, of Richmond College, and Dean Keller, of Washington College, will have supervision of the cast. The club recently gave George Bernard Shaw's "You Never Can Tell."

Only One "BROMO QUININE"

There is only one name for the name, LAXATIVE BROMO QUININE. Look for the name of E. W. GROVE. Cures a Cold in One Day.

## GREAT ARTILLERY FIGHT GOES ON DAY AND NIGHT

Point of Greatest Activity Is Neville Sector, Just Below Belgian Border.

GERMANS MAKE 800-YARD GAIN

Believed That This Violent Battle Is Only Prelude to Attempt by Both Sides to Secure Decision in France and Flanders.

(Special Cable to The Times-Dispatch.) LONDON, February 9.—The great artillery battle along the whole western front continues day and night. The point of most intense activity is in the Neville sector, just below the Belgian border, where the Germans have swept over the first-line French positions on a front of 800 yards.

Extensive and violent attacks have been made on both sides to secure a decision in France and Flanders. A Central News dispatch from Bern reports that the Germans are aware that a big French offensive is planned in Artois, and that "the Germans are fully prepared."

A Central News Amsterdam dispatch gives a report from the Belgian frontier that 60,000 Germans have been sent to that front, not only as a prelude to the attack, but also as a precaution against the allies' offensive, but with which to launch a great Tenthic drive.

The German intention, it is said, is to attempt a crushing offensive along the channel coast and to capture Dunkirk. As one move in this attempt the German plan says, the Germans are planning an extension of the Belgian port of Zeebrugge, so that it will shelter more warships, which, it is said, have been constructed on the canal leading to Bruges.

The German attack and gain reported in today's Berlin official report was made at Vimy, near the western end of the French front. Vimy is two miles northeast of Arras, near which the Germans late in January captured 1,500 yards of French positions.

The French night official says: "In Belgium, our heavy artillery has continued the bombardment of the small Vauban fort and of the trenches in the region of He-Sas."

In Artois there was an intense artillery duel between Hill No. 125 and the road from Neville to Thelus. After exploding a mine in front of our trenches southwest of Hill No. 110, the Germans launched an infantry attack, but were repulsed. Between Soissons and Rheims, south of Ville-au-Bois, we attacked a small advanced post with hand grenades, forcing the enemy to evacuate it. South of St. Mihiel our batteries inflicted serious injury on the German organizations in the forest of Apremont.

"Between 5:30 and 6:30 P. M. to-day the Germans dropped seven shells on Belfort and its outskirts."

The afternoon French official admits that on Tuesday in a night along a front extending from Hill No. 110 to the LaFolle road, the Germans penetrated a portion of the French trenches, but were driven back "at certain points."

Very respectfully,

"C. BASCOM SLEMP"

February 9, 1916.

Justice Hughes replied: "February 3 has been received. I am entirely out of politics, and I know nothing whatever of the matters to which you refer. I am totally opposed to the use of my name in connection with the nomination and to the selection or instruction of any delegates in my interest, either directly or remotely."

Very sincerely yours,

(Signed) "CHARLES E. HUGHES"

OUTLINES ALLEGED

PLAN OF CAMPAIGN

The letter which Congressman Slomp enclosed in his communication to Justice Hughes, which was written to an unnamed friend of the Virginian by S. Brown, Allen, former postmaster at Staunton, Va., also was made public. Allen wrote that he had been called on the long-distance telephone from New York by Mr. Hitchcock and advised to go to Richmond to confer with Mr. Cabell.

"Mr. Cabell laid before me the campaign," Allen's letter said, "which is as follows: 'The friends of Justice Hughes, with Governor Whitman at the head, got together and sent to Mr. Hitchcock, who was, as I suppose you know, at the best politician in the country, and arranged to place him in full charge of the Hughes campaign. The arrangement is not to antagonize Roosevelt, because it will be surely Hughes or Roosevelt, and under the arrangement Hitchcock, of course, will be postmaster-general, and the premier of the next administration. He will be made at Chicago chairman of the national committee, in place of Hill, and will be in full charge of the campaign until the vote is counted in the November election.'

The reference in the Allen letter which prompted Congressman Slomp to communicate with Justice Hughes was as follows:

"They know, too, full well that the persons who assume to speak for the organization here are dead against Hughes or Roosevelt, and persons looking for recognition under the next administration would do well to put a black mark through their names on an endorsement."

In making public the correspondence,

Chairman Slomp issued a statement, in which he said the desire was general among Virginia and other Southern Republicans to send unobstructed delegations to the Republican convention at Chicago.

"As a consequence," said Mr. Slomp, "I deplore the effort that is being made in the State of Virginia and, I understand, in other Southern States to secure instruction for candidates and more particularly to secure them the promise of political patronage in pursuance of this thought, the correspondence with Justice Hughes is given."

#### COLONEL ALLEN IS SURPRISED BY PUBLICATION OF LETTER

(Special to The Times-Dispatch.) STAUNTON, VA., February 9.—Colonel S. Brown Allen was greatly surprised by the publication of the letter addressed to him. He admits having been working in this section of Virginia for Hughes. The only letter he claims, he has written was to a man in Highland County, asking the support of that section for Hughes. The letter was confidential, he admits, having written once to Frank Hitchcock and also having talked with Hitchcock over the telephone regarding the Hughes candidacy.

#### EMPHATIC DENIAL MADE BY FRANK H. HITCHCOCK

NEW YORK, February 9.—"The statements in the alleged letter from Brown Allen to Staunton, Va., to go as they relate to me are entirely without foundation," Frank H. Hitchcock said here to-night.

Mr. Hitchcock said Colonel Allen once called him on the telephone while he was in Washington, but the name of Justice Hughes was not mentioned in the conversation, nor were any of the matters referred to in Mr. Allen's letter.

Mr. Hitchcock added that he knew of no organization effort to bring about the nomination of Justice Hughes.

#### HOLT HEADS ELKS

Richmond Lodge Elects Him as Exalted Ruler for Ensuing Term.

Richmond Lodge, No. 45, Benevolent and Protective Order of Elks, elected the following officers at its annual meeting held at 8 o'clock last night. Exalted ruler, J. M. Holt; esteemed leading knight, Thomas E. Garrett; esteemed local knight, E. C. McSparran; esteemed lecturer, knight, T. A. Flynn; secretary, Walter R. Harwood; treasurer, John T. Anderson; clerk, L. J. Schuman; trustees, Max Lindner and M. E. Ritcher.

To Consult Dabney.

H. G. Gombiers, secretary of the National Association of Master Steam and Hot-Water Fitters, will be in Richmond tomorrow afternoon for a conference with William T. Dabney, business manager of the Chamber of Commerce, in regard to the interests of the association in Richmond.

#### DEATHS IN VIRGINIA

Miss Elizabeth Craighill, daughter of the late George P. Craighill, who spent most of her life a resident of Lynchburg, died early yesterday at her home, 1012 North Main street, of pneumonia. Her father, brother, Rev. George Peyton Craighill, in Barton Heights.

Miss Craighill is survived by three brothers and a sister, as follows: Rev. George P. Craighill, Richmond; S. Langborne Craighill, City Point; Rev. Lloyd R. Craighill, a missionary in Cuzco, Peru; and a sister, Mrs. E. A. Craighill, of Lynchburg.

The body will be taken to Lynchburg this afternoon at 2:30 o'clock on the Norfolk and Western railroad, and the funeral services will be held at 3 o'clock from Grace Memorial Episcopal Church. The interment will be in Spring Hill Cemetery, Lynchburg.

Mrs. Thomas J. Young, wife of Thomas J. Young, died last night at 8:15 o'clock at the home of her parents, Mr. and Mrs. George E. Anderson, 200 East Franklin Street. She had been stricken with pneumonia. Besides her husband and parents, she leaves one brother, R. M. Lowry, and two sisters, Mrs. Margaret Lowry and Miss Alice Anderson.

The funeral will take place tomorrow afternoon at 4 o'clock, and the services will be conducted by Rev. T. A. Snoot, D. D., pastor of Centenary Methodist Church. Interment will be made in Hollywood Cemetery.

Mrs. Mary A. Gallagher, widow of John Gallagher, and native of County Tipperary, Ireland, died at her residence, 608 North Sixth Street, at 8:25 o'clock last night. Besides her two sons, Thomas B. and John D., and one daughter, Miss Jennie A. Gallagher, she is survived by one brother, S. S. Mason, of Portsmouth, and two sisters, Mrs. Kate Craven and Mrs. Henry August, of this city.

Funeral of W. A. Chesterman.

The funeral of Wirt A. Chesterman, a well-known contractor of this city, who died at his home Tuesday morning, following an extended illness from a complication of diseases, was conducted from the home, 2020 Monument Avenue, yesterday afternoon at 2 o'clock. The services were conducted by Rev. J. J. Bradford, pastor of Park Place Methodist Church, assisted by

Rev. J. J. Gravatt, D. D., rector of Holy Trinity Episcopal Church. The burial was in Hollywood Cemetery.

Active: James M. Cecil, James Gwathkin, Clinton L. Williams, A. Gray, Antony Adams, George Wickham, Walter Briggs, Edward Trigg.

Honorary: Judge D. C. Richardson, Oliver J. Sands, Horatio S. Hawes, Henry Baskerville, E. V. Higginbotham, Dr. Charles A. Blanton, John T. Wilson and T. L. Burdick.

Mrs. Mary Fitzgerald.

Mrs. Mary Fitzgerald, wife of John Fitzgerald, native and former resident of Richmond, died in the Mercy Hospital at Springfield, Mass., on Tuesday, aged fifty-four years. She had been in Springfield and Chicago for several years. She is survived by her husband, one sister, two sons and one daughter.

Funeral of Harry F. Smith.

The funeral of Harry F. Smith, sixty-five years old, for several years deputy building inspector, who died suddenly Tuesday afternoon, will be conducted from the home, 2310 West Cary Street, to-morrow afternoon by Rev. James E. Faby, pastor of Westminster Presbyterian Church.

Mr. Smith is survived by his widow, Mrs. Mary Louise Smith; one daughter, Mrs. M. W. Smith; two brothers, William D. and Benjamin Smith, and two sisters, Mrs. James Klegg and Mrs. Alice Briggs.

Mrs. S. E. Heath.

(Special to The Times-Dispatch.) PETERSBURG, VA., February 9.—Mrs. S. E. Heath, formerly and until recently of this city, died yesterday at the home of her daughter, Miss R. Heath, in Catonsville, Md. She was eighty-three years old and widely known and beloved. She is survived by her husband, Mr. R. Heath, of Catonsville, Md. The body will be brought to Petersburg, to rest in Blandford Cemetery.

Mrs. Jesse Moss Walton.

LYNCHBURG, VA., February 9.—Mrs. Jesse Moss Walton, wife of Dallas E. Walton, died on Saturday at her home near Oakville, Appomattox County. Her death came only fifteen months after her marriage. She was the daughter of H. S. Moss, who with her husband and the following sisters, survive: Mrs. Curry Abbott, Mrs. C. E. Lewis and Miss Mattie Moss, of Appomattox County, and Mrs. W. H. Sanders, of Richmond.

Mrs. C. C. Traylor.

(Special to The Times-Dispatch.) PETERSBURG, VA., February 9.—Mrs. Willie Traylor, wife of C. C. Traylor, died at the Petersburg Hospital to-day, after an illness of several weeks. Besides her husband, she is survived by two sons, two daughters and several brothers and sisters.

Miss Mary Waller Brown.

(Special to The Times-Dispatch.) FREDERICKSBURG, VA., February 9.—Miss Mary Waller Brown, daughter of the late J. Wesley Brown, died yesterday at her home in Stafford County, of heart trouble, aged forty years. She was a native of Baltimore, and is survived by her mother, Mrs. Anna Stone Brown, and two sisters, Miss Belle Brown, of Baltimore, and Mrs. Danglefield Ashton, of King George. The funeral took place to-day at St. Paul's Church, in King George, and burial was made in the church cemetery.

DEATHS.

YOUNG.—Entered into rest at 8:15 P. M. February 9, 1916, after a lingering illness, MYRTLE ANDERSON YOUNG, beloved wife of Thomas J. Young, and daughter of George E. and Myrtle Anderson, aged twenty years. Funeral from the residence of her mother, Mrs. Myrtle Anderson, 200 East Franklin Street, on FRIDAY, FEBRUARY 11, 1916, at 4 o'clock, services being conducted by the Rev. Dr. Snoot, of Centenary Methodist Church. Interment will be in Hollywood Cemetery.

OSBOURNE.—Died, at the residence of his son-in-law, John E. Fugate, 1012 North Third Street, February 9, at 9:50 P. M., FRANCIS H. OSBOURNE, formerly superintendent of the Seven Pines Cemetery. Funeral notice later.

HOLMES.—Died, Monday night, February 7, 1916, at 8 o'clock in Sandy Hook, Md., MRS. JOSEPH HOLMES, widow of Dr. J. E. Holmes, of Whitepool, Va. The body arrived in Richmond Wednesday evening, and will be taken to Whitepool on Thursday morning for burial. Mrs. Holmes is survived by the following children: Mrs. Louisa Seiple, of Quarryville, Pa.; Edgar Holmes, of Maryland; Mrs. John Charles, of Lorraine, Va.; Misses Edna and Rosabel Holmes, of Sandy Hook; a brother and sister, of Maryland.

The funeral will take place at Betha Methodist Church THIS (THURSDAY) AFTERNOON, at 1:30 o'clock. Interment will be in Hollywood Cemetery.

SMITH.—The funeral of HARRY F. SMITH will be held from the residence, 2310 West Cary on FRIDAY, February 10, at 3 o'clock P. M. Friends and acquaintances invited to attend.

Rev. J. J. Gravatt, D. D., rector of Holy Trinity Episcopal Church. The burial was in Hollywood Cemetery.

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